

REMARKS

Claims 1-8, 10-11 and 13-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,791,689 B1 issued to Weckström (“Weckström”). Claims 9 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Weckström.

Applicants hereby amend claims 1, 3, 7, 10, 15-19 and 22. Applicants hereby cancel claim 2. Applicants hereby add claims 27 and 28. As a result, claims 1 and 3-28 will be pending after entry of this Amendment and Response. Support for new claims 27-28 and amended claims 1, 3, 7, 10, 15-19 and 22 can be found in the Specification at, for example, page 8, lines 1-6 and page 12, lines 6 through 13 and page 13, line 20.

Rejection of Claims 1-8, 10-11 and 13-26 under 35 U.S.C. § 102(b)

In the Office action, claims 1-8, 10-11 and 13-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Weckström. For a claim to be anticipated under 35 U.S.C. § 102(b), the reference must disclose each and every limitation in the claim. Applicants respectfully submit that Weckström does not disclose every claim element of the claimed invention as presented in the pending claims 1 and 3-26. Briefly, Weckström describes a sensor assembly and method of measuring nitrogen dioxide.

With respect to independent claim 1, Weckström does not disclose, for example, an apparatus with a light source configured to direct two bands of light along a substantially shared path and a photosensor for sensing the two bands of lights to measure ozone in an ozonated fluid. Weckström describes the use of ozone, but unlike the present invention, Weckström does not describe measuring ozone in an ozonated fluid. Weckström mixes ozone with nitric oxide to form excited nitrogen dioxide which during relaxation creates photons that are detected and used to determine nitric oxide content (See Weckström, col. 7, lines 5-20). Further, Weckström states that the ozone component contaminates and dilutes the sample, requiring a scrubber to remove the ozone from the sample. *Id.* In contrast, the present invention does not attempt to rid the fluid of ozone rather, the present invention measures ozone in a fluid. Because Weckström’s apparatus is configured for nitric oxide detection and not detecting ozone in an ozonated fluid Weckström does not disclose every claimed element of the claimed invention. Applicants submit that, for at

least these reasons, claim 1 is in condition for allowance. Applicants submit that for the reasons stated above with respect to claim 1, claim 16 is also allowable.

With respect to claim 17, Weckström does not disclose, for example, a method for measuring ozone in an ozonated fluid that involves selecting a first band of light for which ozone in an ozonated fluid has a greater absorption than for a second band of light and modifying a measured attribute of the ozone determined from the sensed first band of light. For the reasons stated above with respect to claim 1, Applicants respectfully submit that claim 17 is in condition for allowance.

With respect to claim 26, Weckström does not disclose, for example, a method for producing ozonated water having a desired ozone concentration that involves modifying a measured ozone concentration determined from a first band of light and adjusting at least one parameter of an ozonated water generation device until the measured ozone concentration substantially matches the desired ozone concentration. For the reasons stated above with respect to claim 1, Applicants respectfully submit that claim 26 is in condition for allowance. Claims 3-15 and 18-25 depend, directly or indirectly, from claims 1 and 17. For the above-mentioned reasons regarding claims 1 and 17, Applicants submit that claims 3-15 and 18-25 also are in condition for allowance.

Rejection of Claims 9 and 12 under 35 U.S.C. § 103(a)

For rejection under 35 U.S.C. § 103(a) to be proper, the references, either alone, or in combination must teach or suggest all of the claim limitations. In the Office action, claims 9 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Weckström. Applicants respectfully submit that Weckström does not disclose all of the claim limitations as presented in the pending claims 1 and 3-28.

Applicants respectfully submit that for the reasons stated above with respect to claim 1, Weckström does not teach or suggest all the claim limitations of claim 9 or claim 12. Because claims 9 and 12 depend, directly or indirectly, from claim 1, Applicants respectfully submit that claims 9 and 12 are in condition for allowance.

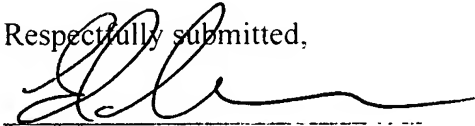
Conclusion

Applicants respectfully request favorable consideration of pending claims 1 and 3-28 in due course. If the Examiner believes that a telephone conversation with Applicant's attorney would expedite allowance of this application, the Examiner is cordially invited to call the undersigned attorney at (617) 526-9712.

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Respectfully submitted,



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